

**REMARKS**

Claims 1 – 20 are pending in the application. Applicants have withdrawn Claims 1 – 8 and 18 – 20 responsive to the Examiner's restriction requirement. Claims 9 – 12 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2003/0046029. Applicants appreciate the Examiner's indication that Claims 13 – 18 have allowable subject matter. Applicants respectfully traverse the Examiner's rejections of Claims 9 – 12 and request reconsideration and full allowance of Claims 9-18.

Wiener discloses a software development and testing tool that merges white box and black box testing.

Claim 9 recites:

A method for performing runtime tests on test information handling systems, the method comprising:


- sending an execute identifier from a test server to one or more test units, the execute identifier associated with a script package having plural scripts;
- responding to the execute identifier from the test unit to the test server with a test unit profile;
- generating at the test server one or more test executables and runtimes to execute one or more scripts of the script package by applying the test unit profile to one or more test engines;
- sending the test executables and runtime from the test server to the test unit; and
- executing the test executable and runtime on the test unit.

Applicants respectfully submit that Wiener cannot anticipate Claim 9 because Wiener fails to teach, disclose or suggest all elements recited by Claim 9. Although Applicants have carefully reviewed Wiener and the Examiner's rejection, Applicants are unable to follow the Examiner's reasoning for rejecting Claim 9 as anticipated by Wiener. For instance, Applicants do not understand the Examiner's basis for asserting that Figures 41 and 32 disclose "sending an execute identifier from a test server to one or more test units," or the Examiner's basis for asserting that the test units respond to the execute identifier with a "test unit profile." Wiener nowhere states that the test unit responds to a test server with the probe library as the Examiner


appears to assert. Applicants also do not understand the Examiner's basis for asserting that a server of Wiener generates "test executables and runtimes" by applying the test unit profile provided from a test unit. The Examiner states that the "patching engine is equivalent to a test engine," however, the patching engine is not depicted in Figure 41 of Wiener and is described in paragraph 46 as having "no immediately evident test value." The Examiner also mentions the ProbeRunner from Figure 41, however, the written description of Wiener is void of any mention of the ProbeRunner. Applicant respectfully requests that the Examiner either state the rejection of Claim 9 in clear terms with specific reference to Wiener or withdraw the rejection to Claim 9 and allow Claims 9-18 without further delay.

### CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being sent to the USPTO via the USPTO Central Facsimile on November 30, 2004.	
	30 Nov 2004
Attorney for Applicant(s)	Date of Signature

Respectfully submitted,

  
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